

Patent
Attorney's Docket No. 704785-2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
 Robert JORDAN et al.) Group Art Unit: Unassigned
)
 Application No.: New National Phase App.) Examiner: Unassigned
 based on PCT/US2004/019552)
) Confirmation No.: Unassigned
 Filed: December 16, 2005)
)
 For: COMPOUNDS, COMPOSITIONS,)
 AND METHODS FOR TREATMENT)
 AND PREVENTION OF)
 ORTHOPOXVIRUS INFECTIONS)
 AND ASSOCIATED DISEASES)

FIRST INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

- With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
- After a first Office Action on the merits but prior to the closing of prosecution, therefore under 37 C.F.R. § 1.97(c), the fee set forth in 37 C.F.R. § 1.17(p) is enclosed. This fee (\$180) should be charged to the undersigned's Deposit Account No. 50-2518.

II. Copies of the Cited Items:

- Copies of the US documents are not enclosed.
- Copies of only the following items listed on the attached Form PTO-1449 are enclosed: _____.
- Copies of items listed on the attached Form PTO-1449 are not supplied because they were previously cited by or submitted to the Patent Office in prior Application No. _____, filed _____, and relied upon in this application for an earlier filing date under 35 U.S.C § 120.
See 37 C.F.R. § 1.98(d).
- Copies of those items which are marked with an asterisk (**) in the attached Form PTO-1449 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

III. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,

BINGHAM McCUTCHEN, L.L.P.

Date: December 16, 2005

By: Malcolm K. McGowan
Malcolm K. McGowan
Registration No. 39,300

Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, California 94111-4067
Local Telephone: (202) 778-6150
Local Facsimile: (202) 778-6155

10/561153

IAP9 Rec'd PCT/PTO 16 DEC 2005

Substitute for form 1449A/PTO & '1449B/PTO

**FIRST
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Shee

1 of

1

Application Number

New National Phase Application

Filing Date

December 16, 2005

First Named Inventor

Robert JORDAN et al.

Examiner Name

Unassigned

Shee

1 of

1

Attorney Docket Number

704785-2001

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

Examiner Signature	/Kristin Bianchi/	Date Considered	09/02/2009
-----------------------	-------------------	--------------------	------------

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.